

REMARKS

Reconsideration of the Office Action of January 16, 2003 is respectfully requested.

Accompanying this Amendment is a Supplemental Information Disclosure Statement.

In the accompanying amendments the specification has been amended to include reference to the provisional patent application priority claim.

In response to the rejection under 35 U.S.C. § 112, claim 4 has been amended to reference the capture device instead of the monolithic hook. Thus the amendment made is a broadening revision.

In the Office Action it was noted that claims 2, 3, 4-6, 9, 12, 13, 17, 19, 20, 23, 24, 26 and 27 were considered to contain allowable subject matter. In the accompanying claim amendments, new independent claims have been presented as set forth in the table below (including the grammatical revision made in original claim 1 from "end" to -- and -- considered apparent and not claim scope altering).

New Claim	Original claim source
31	Claim 2 rewritten
32	Claim 3 rewritten
33	Claim 4 rewritten
34	Claim 9 rewritten
35	Claim 12 rewritten
36	Claim 17 rewritten
37	Claim 19 rewritten

In addition, dependent claims 5, 13, 20 and 26 have had their dependency changed to track with the independent claim revisions above. Also, original claims 14 and 23 have been rewritten in independent form with a similar change as in amended claim 1, and are considered

patentable without amendment as discussed below. Independent claims 1, 15 and 28 have been amended as discussed in greater detail below. New dependent claims 38-43 have been added and depend from one or more of the aforementioned claims. New independent claim 44 has been added and represents original claim 21 rewritten into independent form. There has also been added new dependent claims 45 to 52 depending off from the independent claim 44. Dependent claims 53 and 54 depend from claim 1.

In the Office Action claims 1,7, 8, 10, 11, 15, 16 and 18 under 35 U.S.C. 102(b) as being considered anticipated by Rains. The Rains device features a metal pot which is inserted into an open fire and features a colander, preferably formed of tin, having circumferentially spaced elastic keepers which are compressed when placed in contact with the interior of the pot during water cooking and spring out when the basket is removed. The keepers can be relied upon to hang the basket for drainage.

As seen from the spring keeper arrangement in Rains, the reference relies upon spring contact between the basket keepers and the interior wall surface of the pot. Claims 1 and 15 of the present invention include the feature of having a capture device having a radial extension that leaves some clearance relative to the interior side wall of a receiving pot. Support for this feature is found, for example, in the paragraph bridging pages 6 and 7 of the present application describing the capture device hook and pot engagement interrelationship and the radial clearance discussion for the basket relative to the pot on page 12, lines 12 to 13. As can be seen, the spring arrangement in Rains is not designed for heavy loads as such loads would introduce a wedging effect that would render it difficult to lift up the basket once the basket and keepers are wedged in the pot. Accordingly claims 1 and 15 and their dependents are respectfully submitted to be in condition for allowance.

In the Office Action claims 28 and 29 were also asserted to be anticipated based on Moreau. This anticipation rejection of method claim 28 is respectfully traversed (relative to the original claim and the non-narrowing version presented herein removing the capture device hook section discussion given no weight in the Examiner's claim 28 analysis).

A review of Moreau reveals a cooking pot and a basket with a bailing handle which provides for the lifting up of the basket whereupon the removable hook with handle 10 is inserted into a basket perforation for resting the basket in a drainage position where the opposite side of the basket rests on the opposite side of the pot.

A review of the disclosure of Moreau further reveals that there is no discussion of a method of deep frying a turkey. Rather, Moreau describes various foods intended for cooking with Moreau's device as being individual food items such as shellfish, fish or vegetables (see the discussion in column 4 lines 51-55). Also, while the accumulation of these individual food items can potentially have a large weight (50 lbs), these food items will conform to the entire bottom of the basket and would present a center of gravity close to the bottom. This in turn provides for lower height levels of cooking fluid in covering the upper surface of the individual food items. Turkeys, however, due to their configuration present a higher center of gravity and thus the cooking fluid is set to cover over the relatively tall food piece and thus there is generally involved a level of oil that would be close to the area of where the handle would be inserted and at a level where care must be taken to avoid the presentment of tilting forces that could lead to a tipping over of the pot. Thus, in addition to Moreau being devoid of any of the turkey frying steps set out in claim 28 it presents a set up (e.g., its inserted handle arrangement) which one of ordinary skill in the art would not consider suited for turkey frying.

Accordingly, it is respectfully submitted that Moreau fails to anticipate or render obvious the turkey frying method set forth in claim 28 and its dependents.


Claim 44 represents claim 21 rewritten into independent form and original claim 14 has also been rewritten into independent form. Claims 14 and 21 as filed were rejected under 35 U.S.C. 103 as obvious based on Rains in view of Rigney. In that rejection it was asserted that it would have been obvious to add a drain off valve to Rains in order to remove the liquid without having to carry or tilt the pot. As noted above Rains pot is designed (e.g., the narrow radius semi-spherical bottom with oblique leg stand) for insertion directly into a fire. Accordingly, one of ordinary skill in the art would not have found it obvious to add a drain spigot to the pot of Rains for a variety of reasons including the configuration being ill suited both for attachment of a spigot at a suitable lower drain off level due to the sharp curving configuration of Rains bottom and the shape necessitating a large central volume of left over oil in the bottom of the pot. Also, as the pot of Rains is designed for direct fire insertion one of ordinary skill in the art would not have modified Rains to include a potential dripping source of oil which could ignite upon coming in contact with the open flames of Rains.

Nor do the prior art references appreciate the advantageous combination of the present invention which allows for safe removal of the drippings from the food product in conjunction with removal of a high percentage of the cooking fluid (both the dripped cooking fluid and any food juices together with the cooking fluid not absorbed by the food).

Accordingly, claims 14 and 44 and their dependents are respectfully submitted to be in condition for allowance.

Respectfully submitted,
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